

POLICY

It is the policy of the Michigan Department of Human Services (DHS) that each individual, within the meaning of the Individuals With Disabilities Education Act (IDEA), will receive a free and appropriate public education (FAPE). The juvenile justice specialist (JJS) will ensure delinquent youth are evaluated for determination of special education services.

PURPOSE

To ensure the provision of Special Education programs and services to handicapped persons, who have not completed a normal course of study and graduated from high school. Individuals who have completed a GED and are under age 26 may still be eligible for special education programs and services.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.400.115b (1).

Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.

**PRE-
DISPOSITIONAL
INVOLVEMENT
PROCEDURES**

Youth may be eligible for special education programs and services not only if they have behavior problems but also if other problems are suspected, such as, learning disabilities, mental impairment, physical impairment, or health problems.

Individuals who are suspected of having such problems are to be referred to the department or facility director or the superintendent of the local public school district. This may be done by the court, JJS or the parents if and when involved predispositionally, by letter, requesting that the youth be evaluated. The JJS will participate in the Individualized Education Planning Team (IEPT) process and request to be notified of all actions and decisions related to the process.

Upon completion of the evaluation meeting, the JJS is to plan to attend the (IEPT) meeting to review evaluation information and to

have input concerning final determinations for programs and services.

POST COMMITMENT INVOLVEMENT PROCEDURES

If the youth is committed to the department, the JJS must determine if the court has initiated the procedure. If not, the JJS must initiate the procedure and write the referral letter and send it to the facility director. If the court has initiated the meeting, the JJS is to replace the court staff on the IEPT at the time of acceptance and carry out the procedures, and the subsequent steps.

The IEPT meeting must be convened within 30 school days of receipt of the referral and parent consent from the court or JJS.

- If the youth is determined by the IEPT to be handicapped, an individualized educational plan will be prepared. This plan is to be incorporated into the JJS's service plan. Supportive services necessary to implement the plan may be provided by the JJS, i.e., counseling, etc. Supportive services necessary to implement the plan must be provided by the school or agency, i.e., counseling, occupational therapist, psychological services, etc.

IMPLEMENT THE PLAN

Regardless of the placement of the youth, school district, agency, training school or court, the plan must be implemented on the date indicated, unless a hearing is requested by the parent or guardian or the school or agency.

CHANGE OF SCHOOL

If the youth was previously determined to be eligible for special education and the youth changes school, agency or training school, the JJS must ensure that the receiving school is notified of the youth's eligibility for a special education program. The new agency or school must initiate a special education program or service immediately. The new school must complete an IEP within 30 school days.

When the youth returns from placement, or is replaced, the JJS must notify the receiving placement or school district of the youth's eligibility for special education. The new school must review and implement a special education program or service immediately. The new school must convene an IEPT within 30 school days.

AVAILABILITY OF CONSULTATION

- The superintendent of schools and the director of special education or school principal in the school district, where youth is placed, will serve as the JJS's link to special education.
- In an agency or training school, camp, etc. the facility director is to be contacted.
- For assistance, JJSs may also contact their local intermediate school districts who will:
 - Provide information regarding eligibility and referral process.
 - Provide follow-up if the school agency doesn't respond within 30 school days following referral.
 - Provide further information about the Federal Individuals with Disabilities Education Act (IDEA).
 - Identify resource availability.
 - Advise as to rules for definitions of handicapped.